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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/528,291   | 10/05/2005  | Marc Husemann        | 101769-303 - KGB    | 6374             |
| 27384 7590 05/12/2008<br>NORRIS, MCLAUGHLIN & MARCUS, PA<br>875 THIRD AVENUE<br>18TH FLOOR<br>NEW YORK, NY 10022 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| DESAL, ANISH P   |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 1794   |             |                      |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/528,291

**Applicant(s)**

HUSEMANN ET AL.

**Examiner**

ANISH DESAI

**Art Unit**

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's arguments in response to the Office action dated 03/13/07 and 11/27/07 have been fully considered.
2. Claims 1-15 are cancelled. Claims 16-31 are new claims.
3. Applicant's arguments regarding the restriction requirement mailed on 11/27/07 are found persuasive. Therefore, the restriction requirement mailed on 11/27/07 is withdrawn.
4. The 35 USC Section 102(b) or 103(a) rejection to claims 8-10 and 13 made by the previous Examiner, based on Pfaff (US 5,939,190) are moot because claims 8-10 and 13 are cancelled. Further, in view of newly added claims, Pfaff does not teach or suggest black colored carrier or coloring of PSA as presently claimed.
5. The 35 USC Section 103(a) rejections to claims 8-15 made by the previous Examiner based on JP 2002-249741 (JP'741) or JP 10-152658 (JP'658) alone are moot, because claims 8-15 are cancelled. Further, in view of newly added claims, JP'741 does not teach or suggest a silvery colored PSA or a black colored carrier layer. Similarly, JP'658 does not teach or suggest black colored carrier.
6. A new 35 USC Section 103(a) rejection based on Yamakami et al. (US 2004/0028895 A1) is made.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16, 18-23, 25, 26, 28, 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakami et al. (US 2004/0028895A1).
8. Independent claim 16 requires a PSA tape having following structure: a first transparent PSA/silvery-colored reflective layer/a carrier layer colored black/second PSA. Similarly, independent claim 25 requires same structure as that of claim 16, except that the carrier layer is formed of PET.
9. Yamakami discloses an adhesive tape which combines light reflectivity and light shielding characteristics (abstract). Figure 6 of Yamakami discloses a double-sided adhesive tape comprising: adhesive layer (4)/black ink layer (8)/light-shielding layer formed of a thin metal (7)/backing (3)/adhesive layer (4) (see Figure 6, 0023, and 0034). Additionally, Yamakami discloses that "The adhesive layer 4 provided on the side of the light reflective layer 1 used in an adhesive tape of the present invention preferably has a light transmittance of at least 80%, with values of 85% or greater even more preferred." (0076). This disclosure is interpreted as Yamakami desires transparent adhesive in order to provide high light transmittance or it would have been obvious to provide a transparent PSA, motivated by the desire to allow the transmission of light. Moreover, Yamakami discloses that the light shielding layer 7 is formed of silver (0073-0074).
10. Regarding claims 16 and 25, the black ink layer 8, adhesive layer 4 (next to the light reflective layer 1), thin metal layer 7, and the adhesive layer 4 (next to the black ink layer) are equated to at least one carrier having two faces and colored black, a first

transparent PSA layer, a silvery-colored reflective layer positioned between the first PSA and the carrier layer, and the second PSA respectively as claimed in claims 16 and 25. With respect to claims 22 and 25, as to claim requirement of the carrier layer being PET film carrier, it is noted that Yamakami discloses that the "In cases in which the aforementioned white ink and the black ink [carrier of the presently claimed invention] are coated in layers, using inks with the same type of resin component is preferred in terms of generating good adhesion between the white ink and the black ink. The term "the same type" refers to, for example, **using a polyester based resin with a polyester based resin...**polyurethane based resin." (0069). Thus, this disclosure is interpreted as the black ink layer (carrier) of Yamakami can be formed of polyester resin. Although, Yamakami does not explicitly disclose PET as polyester resin, it would have been obvious to select PET as a polyester resin in formation of ink layer, because such resin is readily available and routinely used in adhesive tape art.

11. Regarding claim 19, the black ink layer (8) of Yamakami reads on the film carrier. With respect to claim 20, paragraph 0032 discloses use of black pigments to form black ink layer. Regarding claim 23, although Yamakami does not explicitly disclose heat-activable adhesives, use of such adhesives as PSA involves routine skill in the art. With respect to claims 26, 28, 29, and 31 Yamakami discloses LCD display, use of the double-sided adhesive tape of his invention in LCD displays, and electronic components comprised of LCD display (abstract, Figure 8, 0002-0004, 0025).

12. Claims 16, 17, 24, 27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (JP 10-152658, Machine translation previously provided) in view of Mizuno (US 2003/0071941A1).

13. Regarding claims 16, it requires a PSA tape having following structure: a first silvery color PSA/a carrier layer colored black/second PSA. Similarly, independent claim 24 requires same structure as that of claim 16, except that the carrier layer is formed of PET.

14. Okada discloses an adhesive film having acrylic based adhesives that are compounded with reflective material (see abstract) such as silver (see 0008). The adhesive of Okada is applied onto a carrier layer such as PET film (abstract and 0010). This disclosure of Okada is interpreted as Okada's PSA tape has a structure of a silvery colored PSA/PET film (carrier). The adhesive tape of Okada is useful in LCD component (0001). The difference between the claimed invention and the prior art of Okada is that Okada is silent as to teaching a second PSA (e.g. double-sided PSA tape as that of Applicant requires) and a black colored carrier (e.g. black colored PET carrier). However, Mizuno discloses LCD supporting structure comprising a double-sided adhesive tape having a black PET base material and two adhesive layers formed on the both sides of the black PET base material (see abstract, 0045, and 0050). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use black colored PET film as a carrier, because such carrier can be used to provide light blocking properties. Additionally, it would have been obvious to use second adhesive and form double-sided adhesive tape, because doing

so would involve routine skill in the art and such double sided adhesive tape can effectively be used to bond different components of LCD together.

***Response to Arguments***

15. Applicant's arguments received on 09/10/07 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yokoyama et al. (US 2005/0163995), Miyano et al. (US 2004/0121148).

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANISH DESAI whose telephone number is (571)272-6467. The examiner can normally be reached on Monday-Friday, 8:00AM-4:30PM.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Vo can be reached on 571-272-1485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. D./

Examiner, Art Unit 1794

/Hai Vo/

Hai Vo

Primary Examiner, Art Unit 1794